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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 31 AM 9:17

UNITED STATES OF AMERICA	)	Case No. '08 MJ 0278
	)	
	)	COMPLAINT FOR VIOLATION OF
VS	)	21 U.S.C. Sections 952 & 960,
	)	Importation of a Controlled Substance
Alejandro CHACON	)	
	)	

BY: PDV DEPUTY

The undersigned complainant being duly sworn states:

COUNT 1

That on or about January 30, 2008, within the Southern District of California, Alejandro CHACON did knowingly and intentionally import approximately 27.95 kilograms of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Carlos Puentes, Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence, this 31st day of January 2008.

Barbara L. Major
United States Magistrate-Judge

CEm

PROBABLE CAUSE STATEMENT

I, Special Agent Carlos Puentes declare under penalty of perjury, the following is true and correct.

On January 30, 2008 at approximately 3:26 AM, Alejandro CHACON presented himself for entry into the United States from Mexico, at the San Ysidro, California Port of Entry (POE), lane # 6, as the driver and sole occupant of a red 1993 Mercury Villager bearing California license plate number 5YTZ201.

On January 30, 2008 at approximately 3:26 AM, CBP Canine Enforcement Officer (CEO) Hersey and his narcotic detector dog (NDD) "DADA" (NCF 030305) were conducting pre-primary roving operations at the San Ysidro POE. CBP CEO Hersey observed DADA alert to the odor of narcotics on a red 1993 Mercury Villager bearing California license plate number 5YTZ201. CBP CEO Hersey notified CBP CEO O'Conner of the positive alert. CBP CEO Hersey conducted an inspection of the vehicle and noticed the rear air conditioning vents on the driver's side of the vehicle were blocked off. CBP CEO Hersey pulled back the left side quarter panel of the vehicle and observed packages concealed inside.

CBP CEO O'Conner made contact with the driver, Alejandro CHACON. CHACON gave CBP CEO O'Conner a negative Customs declaration. CHACON also told CBP CEO O'Conner that he owned the vehicle for about 6 months. CBP O'Conner handcuffed CHACON. CHACON and the vehicle were escorted into the secondary lot for further inspection. A search of the vehicle revealed

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27.95 kilograms of marijuana concealed within the left quarter panel and dashboard of the vehicle.

Post-Miranda, CHACON stated that he was getting paid $300 to deliver the vehicle to the Burger King on San Ysidro Blvd. CHACON told Agents that he thought that he was smuggling cigarettes into the United States. CHACON stated that he knew that smuggling cigarettes was illegal. CHACON stated that he smuggled, because he does not have a job and needed the money.

CHACON was arrested and transported to the Metropolitan Correctional Center, San Diego, CA, for custody and judicial proceedings.

Carlos Puentes, Special Agent, U.S. ICE